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| 09/435,602      | 11/05/1999  | MIKA LEPPINEN        | 4925-14             | 5428             |

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EXAMINER

POLLACK, MELVIN H

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2141

DATE MAILED: 07/17/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/435,602

Applicant(s)

LEPPINEN, MIKA

Examiner

Melvin H Pollack

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☒ Other: *see attached office action*.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.
2. The PCT report adequately explains the Jens Michael reference, acting as an effective translation. The citation is now in conformance and has been considered.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1, 2, 5-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber et al. (6,185,598) in view of Kirsch (5,870,546).
5. For claim 1, Farber teaches a method for minimizing data transmission between a client and a gateway server, comprising the steps of:
  - a. Transmitting by a client (Fig. 1, #106) to a gateway server (Fig. 1, #104, 108) a request (Fig. 2, A1) for at least one of content and resource (col. 2, lines 55-60) located on a web server (col. 1, lines 10-17) using a first protocol (col. 17, lines 27-37);
  - b. Transmitting the request by the gateway server to the web server (Fig. 3, B3) using a second protocol that is compatible with that used by the web server (col. 17, lines 27-37);

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- c. Receiving a redirection message by the gateway server (see below) from the web server (Fig. 3, "Reply is Redirect"), the redirection message indicating a new location of the at least one of content and resource (Fig. 4);
  - d. Creating and transmitting by the gateway server to one of the web server and another web server another request for the at least one of content and resource at the new location in response to the redirection message (col. 2, line 55 – col. 3, line 13);
  - e. Receiving by the gateway server the at least one of content and resource from said one of the web server and another web server (col. 3, lines 15-20).
  - f. Transmitting the at least one of content and resource from the gateway server to the mobile station using the first protocol (col. 3, lines 15-20).
6. Farber does not expressly disclose that the client is a mobile station. However, the office does not consider there to be any difference between a wireless network and a wired (i.e. optical, phone line) network. At the time the invention was made, one of ordinary skill in the art would have added wireless clients to Farber, as it is well known in the art that mobile stations (i.e. pagers, cell phones, PDAs) are available to connect to the Internet. If the applicant would prefer, the examiner will use Cannon (5,974,447) to teach this limitation (col. 1, lines 13-17).
7. Farber does not expressly disclose the limitation of transmitting the redirection message to the gateway server. Kirsch teaches this limitation (Fig. 4), which allows the invention to reliably track the redirection (col. 5, lines 25-30). At the time the invention was made, one of ordinary skill in the art would have used this limitation in the system taught by Farber in order to implement better tracking procedures, as required by Farber's log (Fig. 3, B6).

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8. As for claim 2, Farber teaches transmitting the new location of the at least one of content and resource to the mobile station from the gateway server (col. 3, lines 50-60).

9. As for claims 5 and 6, Farber teaches that a second protocol is HTTP, which is based on a World-Wide Web protocol (col. 4, lines 55-57).

10. As for claim 7, Farber teaches that the request is coded as a URL (col. 5, line 40 – col. 7, line 26).

11. Claims 8, 9, and 12 are drawn to a hardware system that implements the method drawn in claims 1, 7 and 2, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, if claims 1, 7 and 2 are rejected, claims 8 and 12 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

12. Claims 3, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber and Kirsch as applied to claims 1, 2, 5-9, 12 above, and further in view of Daly et al. (6,393,014).

13. Farber teaches that the new location is included as part of the URL (col. 8, line 35, and col. 10, lines 13-20), but does not expressly disclose that the new location is included as a header transmitted with the at least one of content and resource. Daly teaches this limitation (col. 7, lines 20-40). At the time the invention was made, one of ordinary skill in the art would have included a Daly header in the Farber/Kirsch invention to further allow Farber to track and log these communications and to keep the servers updated with changing information (see the headers in col. 18-20).

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14. Claim 11 is drawn to a hardware system that implements the method drawn in claim 3. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, if claim 3 is rejected, claim 11 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

15. Claim 4, 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farber and Kirsch as applied to claims 1, 2, 5-9, 12 above, and further in view of Martin et al. (6,457,060).

16. As stated above, Farber and Kirsch do not expressly state the use of a mobile client, but such a client would be obvious. Farber and Kirsch also teach the communication using several different protocols at once, as shown above, but does not specifically mention using the Wireless Application Protocol. Martin teaches this limitation (col. 2, lines 63-67; col. 5, line 64 – col. 6, line 18). Further, it is well known in the art that WAP is a choice protocol designed specifically for sending internet-based content and resources to a mobile device. At the time the invention was made, one of ordinary skill in the art would have used Martin to develop a wireless component for Farber and Kirsch, as the move toward content and resource retrieval using mobile devices is now well documented.

17. Claim 10 is drawn to a hardware system that implements the method drawn in claims 4-6. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, if claims 4-6 are rejected, claim 10 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

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***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gupta et al. (6,226,752) and Watson et al. (5,812,784) both teach the use of server redirection for various purposes.

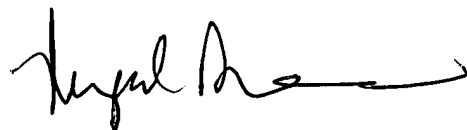
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (703) 305-4641.

The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703)305-4003. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

MHP  
July 13, 2003



**RUPAL DHARIA  
PRIMARY EXAMINER**